



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,889	06/25/2003	Hiroki Kobayashi	R2184.0239/P239	2305

24998 7590 06/13/2006

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP  
2101 L Street, NW  
Washington, DC 20037

EXAMINER
----------

NEWAY, SAMUEL G

ART UNIT	PAPER NUMBER
----------	--------------

2194

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

W

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,889	<b>Applicant(s)</b> KOBAYASHI, HIROKI	
	<b>Examiner</b> Samuel G. Neway	<b>Art Unit</b> 2194	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/21/05, 02/05/04</u> . | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1 – 13 are pending and are considered below.

## **DETAILED ACTION**

### ***Specification***

2. The disclosure is objected to because of the following informalities: in paragraph 12 "...a program which causes a computer to executed..." should read "...a program which causes a computer to execute..." Appropriate correction is required.

### ***Claim Objections***

3. Claims 1, 5, 6, and 10 are objected to because of the following informalities: "...printing devices connected the computer..." should read "...printing devices connected to the computer..." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10 – 13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 10 – 13 are directed to computer programs. Computer programs not claimed as embodied in computer-readable media are descriptive material *per se* and

are not statutory because they are not capable of causing functional change in the computer. Computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Machida (US PGPub 2002/0083131).

Claim 1: Machida discloses a software-installing method for installing software in a computer so as to use one of a plurality of printing devices connected the computer through a network (see paragraph 4), the method comprising the steps of:

acquiring a template of a scenario ("driver installation module") which describes procedures for installing the software (see paragraph 68 and figure 7, paragraph 95 and figure 23);

acquiring data corresponding to parameters contained in the template with respect to said computer by searching an installation database ("register") (see paragraph 69 and figure 7, paragraph 96 and figure 23);

and producing the scenario which is specific to said computer by incorporating the acquired data into the parameters of said template (see paragraphs 73, 96, 97).

Claim 2: Machida discloses the software-installing method as claimed in claim 1, further comprising a step of inputting the produced scenario to an installation program (see paragraph 73, 96, 97).

Claim 3: Machida discloses the software-installing method as claimed in claim 1, further comprising a step of acquiring the data corresponding to the parameters from the installation database located outside said computer ("managed in a centralized fashion by the server device") (see paragraph 74).

Claim 4: Machida discloses the software-installing method as claimed in claim 1, further comprising a step of acquiring data regarding print setting information as data for said parameters from said installation database (see paragraph 96).

Claim 5: Machida discloses a software-installing method for installing software in a computer so as to use one of a plurality of printing devices connected the computer through a network (paragraph 4), the method comprising the steps of:

producing a template of a scenario which describes procedures for installing the software (see paragraph 68 and figure 7, paragraph 95 and figure 23);

and producing the scenario, which is specific to said computer, based on the produced template (see paragraphs 73, 96, 97).

Claim 6: Machida discloses a processor readable medium storing program code means for causing a computer to install therein software to use one of a plurality of printing devices connected the computer through a network( paragraph 4) , the medium comprising:

program code means for acquiring a template of a scenario which describes procedures for installing the software (see paragraph 68 and figure 7, paragraph 95 and figure 23);

program code means for acquiring data corresponding to parameters contained in the template with respect to said computer by searching an installation database (see paragraph 69 and figure 7, paragraph 96 and figure 23);

and program code means for producing the scenario which is specific to said computer by incorporating the acquired data into the parameters of said template(see paragraphs 73, 96, 97).

Claim 7: Machida discloses the processor readable medium as claimed in claim 6, further comprising program code means for inputting the produced scenario to an installation program (see paragraph 73, 96, 97).

Claim 8: Machida discloses the processor readable medium as claimed in claim 6, further comprising program code means for acquiring the data corresponding to the parameters from the installation-database located outside said computer ("managed in a centralized fashion by the server device") (see paragraph 74).

Claim 9: Machida discloses the processor readable medium as claimed in claim 6, further comprising program code means for acquiring data regarding print setting

Art Unit: 2194

information as data for said parameters from said installation database (see paragraph 96).

Claim 10: Machida discloses a program causing a computer to install software therein so as to use one of a plurality of printing devices connected the computer through a network (paragraph 4), the program describing the procedures of:

acquiring a template of a scenario which describes procedures for installing the software (see paragraph 68 and figure 7, paragraph 95 and figure 23);

acquiring data corresponding to parameters contained in the template with respect to said computer by searching an installation database (see paragraph 69 and figure 7, paragraph 96 and figure 23);

producing the scenario which is specific to said computer by incorporating the acquired data into the parameters of said template (see paragraphs 73, 96, 97).

Claim 11: Machida discloses the program as claimed in claim 10, further describing a procedure of inputting the produced scenario to an installation program (see paragraph 73, 96, 97).

Claim 12: Machida discloses the program as claimed in claim 10, further describing a procedure of acquiring the data corresponding to the parameters from the installation database located outside said computer ("managed in a centralized fashion by the server device") (see paragraph 74).

Claim 13: Machida discloses the program as claimed in claim 10, further describing a procedure of acquiring data regarding print setting information as data for said parameters from said installation database (see paragraph 96).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Williams et al. (US Patent 6,671,749) discloses a method for locating and installing peripheral (such as printer) drivers by creating a driver profile. The driver profile may comprise information such as the computer's (whereon the installation occurs) operating system version number and language.

b. Cherry (US PGPub 2002/0120742) discloses a method for installing a device driver and an associated peripheral software. The associated peripheral software may be an application for displaying printer features to a user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Mon - Thurs 8:00AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571-270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2194

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SGN  
SGN  
05-17-06

  
James W. Myhre  
Supervisory Patent Examiner